

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMIL COOPER,
Plaintiff

v.

UNIT MANAGER MILLER, et al.,
Defendants

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No. 1:20-cv-02430

(Judge Kane)

ORDER

AND NOW, on this 3rd day of November 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to amend the docket in the above-captioned action to reflect the proper spelling of the names of Defendants Haldemann, Brubaker, and McClellan;
2. Defendants' motions to dismiss (Doc. Nos. 36, 56) are **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - a. The motions are **GRANTED** with respect to: (1) Plaintiff's § 1983 claims against Defendants Wetzel and Garman; (2) Plaintiff's claims against Defendants Brubaker, McMahon, Houser, and T. Miller regarding the handling of his grievances and misconduct appeals; and (3) Plaintiff's Fourteenth Amendment due process claim regarding the loss of property. Plaintiff may not file a second amended complaint in this matter;
 - b. The motions are **DENIED** with respect to all other claims, namely: (1) Plaintiff's Eighth Amendment claim; (2) Plaintiff's First Amendment retaliation and Fourteenth Amendment retaliatory due process claims; and (3) Plaintiff's negligence claim.
3. Defendants' motion to stay discovery (Doc. No. 57) is **DENIED AS MOOT**;
4. Plaintiff's second motion to compel with respect to Defendant Wetzel (Doc. No. 48) is **GRANTED** to the extent that Defendant Wetzel is directed to provide responses to Plaintiff's first set of interrogatories within sixty (60) days of the date of this Order;
5. Defendants are directed to file an answer to Plaintiff's amended complaint (Doc. No. 29) within fourteen (14) days of the date of this Order; and

6. The parties are directed to complete discovery within six (6) months of the date on which Defendants file their answer.

s/ Yvette Kane

Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania